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April 27, 2022

VIA ECF

Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Mason, et al. v. Lumber Liquidators, Inc.*
17-cv-4780 (RLM)

Dear Magistrate Judge Mann:

This office, together with Outten & Golden LLP, represents Plaintiffs in the above-referenced action. We write in response to the Court's April 27, 2022 Order ("Order"), wherein the Court identified an issue in connection with attorneys' fees being taken before deduction of costs and expenses. In response to the Order, we have revised the proposed order, attached hereto as Exhibit 1, to address the Court's concern. Specifically, Plaintiffs' counsel attorneys' fee award shall be based on one-third of the net settlement funds, *after* deduction of costs.

Further, we write to advise the Court of one other matter. Specifically, in doing a quality review of all correspondences in connection with this matter (wherein we literally received thousands of communications from the class and collective members), we recently discovered that our office received a consent to join from Jason Gonzalez on or about February 23, 2022. *See* Exhibit 2. Because the opt-in period officially closed on February 28, 2022, Defendant and Plaintiffs jointly request the Court permit Mr. Gonzalez to participate in the settlement, as he timely executed and delivered his consent to join to our office. His share of the lawsuit is negligible, as it is on the very low end of the gross awards to be received due to his limited time working for Defendant. We have added paragraph 5 to the proposed order to address this requested relief.

Plaintiffs thank the Court for its consideration of the foregoing.

Respectfully submitted,

/s/ **Justin R. Marino**

Justin R. Marino

cc: Defendant's Counsel (via ECF)